

Panaji, 23rd January, 1986 (Magha 3, 1907)

SERIES II No. 43

OFFICIAL GAZETTE



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GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 3/13/85-PER

Read: Government of India Ministry of Home Affairs order No. U-14020/1/85-UTS dated the 7th Jan. 1986.

Consequent upon his officiating promotion to IAS cadre post, as ordered by the Government of India Ministry of Home Affairs vide order cited above, the Administrator of Goa, Daman and Diu, is pleased to relieve Shri Chaman Lal, Grade I Officer of Goa, Daman and Diu Civil Service and presently functioning as Manager, Printing & Stationery, Panaji, from this Administration, with immediate effect to report for duties to the Chief Secretary, Government of Arunachal Pradesh, Itanagar.

Shri Chaman Lal shall hand over the additional charge of the post of Director of Municipal Administration being held by him to Shri Denghnuna, IAS, Secretary (Co-op. and Social Welfare), and that of Manager, Printing & Stationery, Panaji to Shri Alexandre Pereira, Director of Social Welfare.

S/Shri Denghnuna and Alexandre Pereira shall hold the post of Director of Municipal Administration and Manager, Printing & Stationery, Panaji respectively in addition to their own duties until further orders.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 20th January, 1986.

Home Department

Foreigners and Citizenship Division

Order

No. 2/14/83/HD(P)

In exercise of the powers conferred by sub-rule (1) of rule 3 of the Registration of Foreigners Rule, 1939 read with the Government of India, Ministry of Home Affairs Notification No. 4/3/62(1)F. I dated the 22nd March, 1963 and in supersession of the Government order No. 50-5-1897/63 dated the 9th September 1963, the Lieutenant Governor of Goa, Daman and Diu hereby appoints the Chief Secretary, Goa, Daman and Diu as the Registration Officer for the purposes of the said Rules for the whole of the Union Territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Passports).

Panaji, 9th January, 1986.

Order

No. 2/14/83/HD(P)

In exercise of the powers conferred by clause (2) of paragraph 2 of the Foreigners Order, 1948, read with the Government of India, Ministry of Home Affairs Notification No. 4/3/62(1). F. I dated the 22nd March, 1963, the Lieutenant Governor of Goa, Daman and Diu hereby appoints the Chief Secretary, Goa, Daman and Diu as the Civil Authority for the whole of the Union territory of Goa, Daman and Diu for the purpose of the said Order.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Passports).

Panaji, 9th January, 1986.

Forest and Agriculture Department

Order

No. 13-3-82-FOR (II)

In pursuance of the proviso to sub-rule (1) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, Government hereby terminates with immediate effect the services of Shri E. S. Somashekara, Asstt. Conservator of Forests in the Forest Department Government of Goa, Daman and Diu and directs that he shall be entitled to claim a sum equivalent to the amount of his pay for a period of one month in lieu of notice period.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary to the Govt. of Goa, Daman and Diu.

Panaji, 6th January, 1986.

Office of the Registrar of Co-operative Societies

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the Bella Vista Apartments Cooperative Housing Society Ltd., Alto-Porvorim, Bardez is registered under the Code Symbol No. HSG-(b)-173/Goa.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 8th November, 1985.

Certificate of Registration

The Bella Vista Apartments Cooperative Housing Society Ltd., Alto-Porvorim, Bardez has been registered on 8-11-85 and it bears the registration No. HSG-(b)-173/Goa and it is classified as Housing Society under Sub-Classification No. 5(b)

Tenant Co-partnership Housing Society in terms of Rule 9 of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 8th November, 1985.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the Amar Cooperative Housing Society Ltd., Panaji is registered under the code symbol No. HSG-(a)-172/Goa.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 7th November, 1985.

Certificate of Registration

The Amar Coop. Housing Society Ltd., Panaji has been registered on 7-11-1985 and it bears the registration No. HSG-(a)-172/Goa and it is classified as Housing Society under Sub-Classification No. 5(a) Tenant Ownership Housing Society in terms of Rule 9 of the Cooperative Societies Rules 1962, for the Union Territory of Goa, Daman and Diu.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 7th November, 1985.

Office of the Asstt. Registrar of Coop. Societies

No. 7-58-85/ARSZ/LQD/381

Read: (1) Audit Report of Loliem Poinguinim Sutar Sahakari Society Ltd., Loliem-Poinguinim-Canacona-Goa.

(2) This office interim order No. 11-9-84/ARSZ/Ind/9606 dated 23-9-1985.

Order

In virtue of the powers vested in me under Section 102(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu read with Rule-84 of the Cooperative Societies Rules, 1962 as the above mentioned society was called upon to submit its explanation/say as to why the society be not taken into liquidation within one month from the date of issue of the above mentioned order. As no reply in this regard has been received from the society so far, I am satisfied that there is no objection to the society being taken into liquidation. Hence, I, M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone, Margao-Goa confirm the aforesaid order in terms of Section 102(2) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu.

Further, under Section 103(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu read with rule 86 of the Cooperative Societies Rules, 1962, I appoint Shri P. K. Velip, Jr. Auditor of Cooperative Societies, Margao-Goa as a liquidator of Loliem Poinguinim Sutar Sahakari Society Ltd., Loliem-Canacona-Goa.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 22nd November, 1985.

No. 17-60-72/ARSZ/LQD

Read: (1) Audit Report of Lacquerware Wood Carving Sahakari Audhyogic Utpadak Saunstha Ltd., Cuncolim-Salcete.

(2) This office interim order No. 17-60-72/ARSZ/IND/7849/85 dated 19-7-1985.

Order

In virtue of the powers vested in me under Section 102(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu, the aforesaid society was called upon to show cause as to why it should not be taken into liquidation. However, the society failed to

reply to the aforesaid notice I am satisfied that there is no objection to its being taken into liquidation. Therefore, I, M. A. Desai, Asstt. Registrar of Cooperative Societies, South Zone, Margao-Goa hereby confirm the order mentioned at Sr. No. 2 above as per the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu.

Further, under Section 103(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu read with rule 86 of the Cooperative Societies Rules, 1962, I hereby appoint Shri K. B. Desai, Jr. Auditor of Cooperative Societies, South Zone, Margao as a liquidator of the Lacquerware Wood Carving Sahakari Audhyogic Utpadak Saunstha Ltd., Cuncolim-Goa.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 4th November, 1985.

No. 7-45-79/ARSZ-LQD/510

Read: (1) Order No. PRC-LQD-2/68 dated 12-9-1968 from the Registrar of Coop. Societies, Goa, Daman & Diu, Panaji, placing the Canacona Agricultural Industrial Coop. Society Ltd., Canacona, under liquidation and appointing liquidator in terms of Section 103(1) of Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu.

(2) Final Report of the liquidator of the Society under letter No. LQD/CAICS/Fin. Rep/85 dated 16-9-1985 in terms of Section 109(2) of the Maharashtra Cooperative Societies Act, as applied to the Union Territory of Goa, Daman & Diu.

Order

In virtue of the powers vested in me under provision of Section 109(2) and 21 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, I, M. A. Desai, Assistant Registrar of Cooperative Societies, South Zone, Margao-Goa, hereby terminate the liquidation proceedings and cancel the registration bearing No. PRC-(a)-1/Goa dated 7-3-1963 of Canacona Agricultural and Industrial Cooperative Society Ltd., Canacona, with effect from the date of issue of the order.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 29th November, 1985.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu, The Chandreshwar Sahakari Samuhik Sheti Saunsthan Ltd., Paroda-Quepem-Goa is registered under code symbol No. 4-FRG-(a)-1/South Goa/85.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 21st August, 1985.

Certificate of Registration

The Chandreshwar Sahakari Samuhik Sheti Saunstha Ltd., Paroda-Quepem-Goa has been registered on 21-8-1985 and it bears registration code symbol No. 4-FRG(a)-1/South Goa/85 and classified as Collective Farming Society.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 21st August, 1985.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman & Diu, The Sanjivani Sahakari Grahak Saunstha Ltd., Dayanandnagar-Goa is registered under code symbol No. CON-11/South Goa/85.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 11th September, 1985.

Certificate of Registration

The Sanjivani Sahakari Grahak Saunstha Ltd., Dayanand-nagar-Goa has been registered on 11-9-1985 and it bears registration code symbol No. CON-11/South Goa/85 and it is classified as Consumers Society under classification No. 2-Consumers Society in terms of Rule 9 of the Cooperative Societies Rule, 1962 for the Union Territory of Goa, Daman & Diu.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.
Margao, 11th September, 1985.

Notification

In exercise of the powers vested in me under sub-section (1) of section 9 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman & Diu, Shree Kamdhenu Dudh Utpadak Sahakari Sanstha Maryadit, Advoi, Satari-Goa, is registered under symbol No. PRD-(c)-32/AR(Dairy)/Goa.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 15th November, 1985.

Certificate of Registration

Shree Kamdhenu Dudh Utpadak Sahakari Sanstha Maryadit, Advoi, Satari-Goa has been registered on 15-11-1985 and it bears registration code symbol No. PRD-(c)-32/AR(Dairy)/

/Goa and it is classified as producers society under sub-Classification No. 7(c) Agriculture Producers Society.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 15th November, 1985.

Notification

In exercise of the powers vested in me under sub-section (1) of section 9 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, Shree Bhumica Dudh Utpadak Sahakari Sanstha Maryadit, Salem, Bicholim is registered under symbol No. PRD-(c)-33/AR(Dairy)/Goa.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 18th November, 1985.

Certificate of Registration

Shree Bhumica Dudh Utpadak Sahakari Sanstha Maryadit, Salem, Bicholim has been registered on 18-11-1985 and it bears registration code symbol No. PRD-(c)-33/AR(Dairy)/Goa and it is classified as producers society under sub-classification No. 7(c) Agriculture Producers Society.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies (Dairy).
Ponda, 18th November, 1985.

Revenue Department

Notification

No. 22/30/85-RD

Whereas by Government Notification No. 22/30/85-RD dated 15-3-85 published on page 71 of Series II, No. 5 of the Official Gazette, dated 2-5-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land Acquisition for Rural Water supply scheme to village Ibrampur in Pernem Taluka.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering

the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector, H.Q. 2 Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Dy. Collector, H. Q. 2 Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Pernem	Ibrampur	15	2 part	Shri Laxman Ladu Sawant, Ibrampur. Shri Vishwanath Nilkant Deshprabhu Pernem. Shri Vishnu Ganesh Deshprabhu Pernem. T: Smt. Saraswati Hari Sawant Ibrampur.	445.00
			3 part	Shri Devi Sateri, Ibrampur. North: Road. South: S. No. 15/2. East: S. No. 15/2 & 3. West: S. No. 15/2 & 3.	170.00
Total					615.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 25th November, 1985.

Notification
No. 22/52/85-RD

Whereas by Government Notification No. 22/52/85-RD dated 28-3-85 published on page 74 of Series II, No. 5 of the Official Gazette, dated 2-5-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land Acquisition for allotment of House sites at Salvador Do Mundo under New 20 Point Programme.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto

is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Deputy Collector, H. Q. 2 Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Deputy Collector, H. Q. 2 Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Bardez	Salvador do Mundo	109 part		Comunidade of Serula. T: Prabhakar Datta Naik.	3700.00
				North: Survey No. 109. South: Survey No. 111. East: Survey No. 109. West: Survey No. 109 and road.	
Total					3700.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 6th December, 1985.

Notification
No. 22/254/84-RD

Whereas by Government Notification No. 22/254/84-RD dated 4-1-85 published on page 793 of Series II, No. 44 of the Official Gazette, dated 31-1-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. L. A. for the construction of Deangis band road at V. P. Sancoale.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Deputy Collector, H. Q. 2, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Deputy Collector H. Q. 2, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Mormugao	Sancoale	57	14	Nanu Bablo Naik.	125.00
			16	Nanu Bablo Naik.	80.00
		52	14	Nanu Bablo Naik.	80.00
			16	Nanu Bablo Naik.	130.00
			18	Nanu Bablo Naik.	275.00
Total					690.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 3rd January, 1986.

Notification

No. 22/157/83-RD

Whereas by Government Notification No. 22/157/83-RD dated 22-11-83 published on page 385-397 of Series II, No. 34 of the Official Gazette, dated 29-11-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. construction of road from Cavelossim Church to Assolna Ferry point in V. P. Cavelossim.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering

the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector I South Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Dy. Collector, I South Margao till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Salcete	Cavelossim	38	5 part	O: Aireis Gomes.	200.00
			19 part	O: Jose Assumcao Alfonso.	125.00
			27 part	O: Argentina Mendes.	50.00
		160	1 part	O: Aires Gomes and Joaquim Manuel Gomes.	375.00
			2 part	O: Jose Assumcao Alfonso.	67.00
			3 part	O: Angolica Mendes.	10.00
			6 part	O: Maria Alda Rodrigues.	50.00
			7 part	O: Natividade Caldeira.	57.00
				Maria Alda Rodrigues.	
			8 part	O: Santana Pereira.	50.00
			13 part	O: Justino Souza, Emetias Souza, Laura Souza and Maria Souza.	82.00
		39	1 part	O: Maria Rodrigues.	25.00
			10 part	O: Village Panchayat of Cavelossim.	25.00
			14 part	O: Natividas Caldeira.	12.00
			16 part	O: Efigenia Dias.	100.00
			24 part	O: Alup C. Rodrigues.	92.00
				Joaquim Manuel Gomes.	
			30 part	O: Joaquim Manuel Gomes.	70.00
			31 part	O: Rodolfo D'Costa.	25.00
			33 part	O: Joaquim Manuel Gomes.	95.00
			34 part	O: Laurecento Afonso.	44.00
			36 part	O: Conceicao Magro Miranda.	200.00
		43	1 part	O: Emina Silva Rodrigues.	100.00
			2 part	O: Joaquim M. Gomes.	50.00
			3 part	O: Joaquim M. Gomes.	120.00
		35	6 part	O: Felix Dias Mendely.	325.00
				O: Regaciano Dias Mendely.	
				O: Antonio Dias Mendely.	
		44	26 part	O: Maria D'Souza.	10.00
		45	1 part	O: Etermina Dias.	90.00
			4 part	O: Franklin Dias.	145.00
			6 part	O: Filomena Afonsa.	195.00
				Martino Rodrigues.	
			7 part	O: Franklin Dias.	90.00
			39 part	O: Franklin Dias.	2.00
			12 part	O: Jacinto Fernandes.	40.00
			16 part	O: Olivia Gomes.	70.00
			17 part	O: Rogaciana Dias Mendely.	100.00
			18 part	O: Rogacian Dias Mendely.	350.00
			22 part	O: Doretina Alphonso.	175.00
			25	O: Narciva Bandothkar.	17.00
			26	O: Orneles Dias.	15.00
			27	O: Rodolfina D'Souza.	13.00
			28 part	O: Domingos Mendes.	118.00
			32 part	O: Marquinho Viegas.	12.00
			33 part	O: Santano Felicidade Rodrigues.	2.00
			5 part	O: Comunidade of Cavelossim.	11.00
		46	7 part	O: Comunidade of Cavelossim.	335.00
			12 part	O: Public Foot Path.	25.00
		62	1 part	O: Olivia Gomes.	60.00
			2 part	O: Argentina Mendes.	150.00
		61	2 part	O: Alice Fernandes.	4.00
			3 part	O: Dominiquita Mendes.	13.00
			4 part	O: Silvernina Rodrigues.	9.00
			5 part	O: Olivia Gomes.	25.00
			6 part	O: Joao Mauricio Rodrigues.	40.00
				Alex Caetano Rodrigues.	
			7 part	O: Emeiliano D'Souza.	75.00
			8 part	O: Valentina D'Costa.	3.00
				Prudencia D'Costa.	

1	2	3	4	5	6
	Salcote Cavelossim	61	9 part	O: Gregorio Mendes.	3.00
			10 part	O: Andre Dias.	31.00
			11 part	O: Gregorio Mendes.	68.00
			12 part	O: Albano Rodrigues.	97.00
		47	3 part	O: Dominiquito Mendes.	30.00
			4 part	O: Mariano D'Costa.	40.00
			38 part	O: Fernando Dias.	30.00
			39 part	O: Emerciano Miranda.	45.00
			40 part	O: Emelia D'Souza.	40.00
			9 part	O: Emeterio D'Souza.	48.00
			27 part	O: Auriliana Miranda.	10.00
			47 part	O: Franklin Dias.	5.00
			48 part	O: Onorato D'Souza.	6.00
			49 part	O: Esperanca Rodrigues.	25.00
			50 part	O: Guilhermina Dias.	35.00
			16 part	O: Heriquita Dias.	125.00
			17 part	O: Maria Feidade Vaz.	22.00
			18 part	O: Teisentina D'Cruz.	4.00
			51 part	O: Public Foot Path.	1250.00
		61	1 part	O: Amelia D'Souza.	660.00
			2 part	O: Comunidade of Cavelossim.	87.00
			3 part	O: —do—	130.00
			4 part	O: —do—	125.00
			5 part	O: —do—	127.00
			6 part	O: —do—	127.00
			7 part	O: —do—	125.00
			8 part	O: —do—	112.00
			9 part	O: —do—	100.00
		49	24 part	O: —do—	115.00
			25 part	O: —do—	61.00
			26 part	O: —do—	70.00
			21 part	O: —do—	27.00
			22 part	O: —do—	55.00
			18 part	O: —do—	4.00
			19 part	O: —do—	25.00
			20 part	O: —do—	90.00
			23	O: —do—	27.00
			27 part	O: —do—	30.00
			28 part	O: —do—	45.00
			29 part	O: —do—	25.00
			30 part	O: Public Foot Path.	182.00
		59	3 part	O: Vidiciano Fernandes.	520.00
			4 part	O: Aureliano Mendes.	290.00
			9 part	O: Joaquim Manuel Gomes.	30.00
			5 part	O: Vidiciano Fernandes.	325.00
		57	1 part	O: Joaquim Manuel Gomes.	100.00
			2 part	O: —do—	95.00
			3 part	O: —do—	94.00
			4 part	O: —do—	100.00
			5 part	O: —do—	290.00
			6 part	O: —do—	90.00
			7 part	O: —do—	100.00
			8 part	O: —do—	120.00
			9 part	O: —do—	100.00
			10 part	O: —do—	100.00
			11 part	O: —do—	100.00
			12 part	O: —do—	120.00
			13 part	O: —do—	170.00
			27 part	O: —do—	37.00
			25 part	O: Comunidade of Cavelossim.	92.00
		52	2 part	O: Public Foot Path.	172.00
		54	1 part	O: Fabrica de Igreja de Carmona.	1335.00
				Total	13461.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 13th November, 1985.

Notification

No. 22/183/84-RD

Whereas by Government Notification No. 22/183/84-RD dated 14-9-84 published on page 433-434 of Series II, No. 24 of the Official Gazette, dated 15-9-84 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for the public purpose viz. Land Acquisition for Rural Water Supply scheme to village Agarwada in Pernem Taluka.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector 3-North Panaji to perform the functions of a Collector

for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Dy. Collector 3-North Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Pernem	Agarwada	34	34 part	H: Shridhar Vithoba Domaji.	40.00
		7	6 part	H: Vithoba Krishna Raut.	12.00
		7	7 part	H: Dasharath Balu Begali. Uttam Bala Begali.	35.00
		7	9 part	H: Namdev Atmaram Porob. Yeshwant Atmaram Porob.	90.00
Total					177.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 25th November, 1985.

Notification

No. 22/46/85-RD

Whereas by Government Notification No. 22/46/85-RD dated 2-4-1985 published on page 87 of Series II, No. 6 of the Official Gazette dated 9-5-1985 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose viz. Land Acquisition for construction of stadium at Tilamol Xeldem under village Panchayat Xeldem Amona Quepem.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under Sub-section (1) of Section 48 of the said Act that it has withdrawn from acquisition of the said land for the aforesaid

public purpose and that the aforesaid Government notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge the Additional Deputy Collector (HQ-2) Panaji within a period of thirty days from the date of this notification claims under Sub-section (2) of Section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the office of the Additional Deputy Collector (HQ-2) Panaji for a period of thirty days from the date of this notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 6th January, 1986.

Public Health Department

Order

No. PHD/1(49)/77/ESTT.

The below mentioned Officers under the Directorate of Health Services, Panaji have satisfactorily completed the probation period of two years on the date shown against the name of each Officer.

Sr. No.	Name of the Officers	Designation	Date of completion of probation period
1.	Dr. Adolfo Dias	Medical Officer	31-3-1982
2.	Dr. V. B. Devari	— do —	31-3-1982
3.	Dr. Deepak Kabadi	— do —	31-3-1982
4.	Dr. (Mrs) Vidya Kamat	— do —	31-3-1982
5.	Dr. Joseph D'Costa	Public Health Dentist	26-11-1983
6.	Dr. R. Bengeri	— do —	26-11-1983
7.	Dr. M. S. Raghunandan	— do —	13-4-1983
8.	Dr. Ulhas D. Thokle	— do —	5-5-1984

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 2nd January, 1986.

Industries and Labour Department

Order

No. 28/4/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 11th December, 1985.

IN THE LABOUR COURT GOA, DAMAN & DIU, PANAJI - GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/13/85.

Shri Rasik Shah

— Applicant

V/s.

M/s. Syndicate Marine Enterprises

— Opponent

Applicant represented by Adv. A. Nigalve.

Panaji, Dated: 27-11-1985.

AWARD

This is an application filed by the above applicant against the above opponent, under section 33C(2) of the I.D.A., 1947, in short the Act, claiming from the latter the total amount of Rs. 28,238-44, on different counts, as mentioned in the annexure to the application.

2. Before any reply was filed by the Opponent, both the parties arrived at an amicable settlement, the terms of which have been filed alongwith an application with a prayer to pass a consent award on the said terms.

3. The terms of settlement read as follows:

- "(1) It is agreed by and between the parties that the employer M/s. Syndicate Marine Enterprises shall pay a sum of Rs. 3,000/- (Rupees Three Thousand only) to the workman Shri Rasik Shah towards full and final settlement of the claim of the workman.
- (2) The sum of Rs. 3,000/- (Rupees Three Thousand only) as mentioned in CL(1), above shall be paid to the workman on 27-11-1985.
- (3) The workman agrees that he has no claim against the employer of whatsoever nature and that his dispute with the employer is conclusively settled.
- (4) The parties agree to file this settlement in the Hon'ble Labour Court for Goa, Daman and Diu and pray for a consent award in Case No. LCC/13/85."

4. I have considered the above terms and satisfied that they are just and fair to both the parties. Hence, I pass this consent award on the said terms and the matter is disposed off with no order as to costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Order

No. 28/24/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour,

Panaji, 27th December, 1985.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No. IT/26/85

Shri Govind Mhalsekar, rep. by the
General Secretary, Goa Mining
Labour Welfare Union.
V/s.

— Workman/Party I

M/s. A. V. Sarmalkar Pvt. Ltd.

— Employer/Party II

Workman/Party I represented by Shri Subhas Naik,
Secretary of the Union.

Employer/Party II represented by Shri P. K. Lele, Labour
Advisor.

Panaji, dated: 11-12-1985

AWARD

The Government of Goa, Daman and Diu, by its Order No. 28/24/85-ILD dated May 2, 1985, has referred for the adjudication of this Tribunal of an industrial dispute between the above parties. The schedule annexed to the order of reference reads as follows:

"1. Whether Shri Govind Mhalsekar while in employment of M/s. A. V. Sarmalkar Private Limited, Vasco-da-Gama, Goa, employed as Watchman was a workman as defined under Industrial Disputes Act, 1947?

2. If so, whether the terminations of his services by M/s. A. V. Sarmalkar, Private Limited, Vasco-da-Gama, Goa, with effect from 29-5-84 is legal and justified?

3. If answer to 2 above is negative, to what relief Shri Govind Mhalsekar is entitled to?"

2. In his statement of claim, the workman, has stated that he was working as a watchman for Party II with effect from 2-3-1981 at a fixed salary of Rs. 300/- per month. He was required to put in 12 hours of service. At the time of termination, he was given a weekly off day. From 1983 his salary was raised to Rs. 425/- per month. At the time of employment from 2-3-1981, he was allotted the duty of watchman to guard the bungalow 'Roshan Mahal' belonging to Mr. Laxman Bandekar, Director of the Company. The Director was not staying in the Bungalow and the workman was kept to guard it. He did this duty for about one year. Thereafter, the security supervisor changed his duties and asked him to go and work as a watchman at Mhapsekar Building, Baina, Vasco, where Mr. Angle, Personnel Manager, Mr. Anand Rao, Company Secretary and Mr. Gadhiaili, Officer of the company were residing. The workman was allotted this duty for about one year. He was receiving through out the period from 2-3-1981 to 29-5-1984 his salary every month from M/s. A. V. Sarmalkar Pvt. Ltd., at its Head Office at Vasco. On 28-5-1984, i.e. the day prior to the termination, Mr. Laxman Bandekar, residing at Madhavi Bungalow, where the workman was working as watchman, called him inside and asked him to leave the job and go and find some other suitable job as the workman had completed S.S.C. He also said that he would give a good certificate and that he should look out for a suitable employment with Chowgule or Salgaonkar Company. Then he called the watchman Mr. Kamant Singh, who was also on duty at that time, and asked him to take the workman out and not to allow him to work from the next day onwards. On the next day, the workman reported for work as usual but the watchman informed him that he had orders not to allow him for work. Thereafter, the workman went to the head office of M/s. A. V. Sarmalkar Pvt. Ltd., at Vasco and met Mr. Angle, Personnel Manager and Mr. Cleto, Security Supervisor. He was informed that he could not be taken back for work. Then he raised this dispute before the Labour Commissioner, where conciliation proceedings were taken up and ended in failure. He has prayed that M/s. A. V. Sarmalkar Pvt. Ltd., be directed to reinstate him with effect from 29-5-1984 with back wages and continuity of services.

3. The employer, in its written statement, has raised some preliminary objections concerning the jurisdiction of this court and stated that the workman was never employed as watchman by the firm with effect from 2-3-1981 and that the firm never paid him any salary. The firm has admitted that the workman was working at the Bungalow 'Roshan Mahal' belonging to one of the partners of the firm, Shri Laxman Bandekar, but was doing so as domestic servant of the said partner. He was never employed by the firm.

4. The workman, in his rejoinder, replied to the preliminary objections raised by the employer in its written statement and denied the allegations made by the firm contrary to the stand taken by the workman.

5. Following preliminary issues were framed:

"1. Whether the Workman/Party I proves that he is a 'Workman' within the meaning of the I.D.A., 1947, in short the Act?

2. If so, whether the Workman proves that there were Employee-Employer relationship between him and the employer?

Since these 2 issues go to the very root of jurisdiction of this Tribunal, they will be tried as preliminary".

6. Before any evidence was led, both the parties approached the court and filed settlement terms disposing off this dispute. The terms filed read as follows:

"1) Both the parties to the reference bag to submit that they have arrived at a mutual settlement on the matters covered under the reference on following terms and conditions:—

- 2) a) Party II, M/s. A. V. Sarmalkar agree to pay Party I, Shri Govind Mhalsekar, a sum of Rs. 5,700/- (Rupees five thousand seven hundred only) towards all the claims arising out of present reference and also arising out of alleged employment of Party I by Party II.
- b) Party I, Shri Govind Mhalsekar accepts the above sum as full and final payment of all dues. In consideration of the above, he agrees that he has now no claim whatsoever either arising out of the present reference or any other claim of whatsoever nature, against Party II.
- c) Both parties agree to file this settlement before Hon'ble Industrial Tribunal, requesting him to pass consent award in the present reference in terms of this settlement arrived at between them.

3. The parties, therefore, beg to submit that the Hon'ble Tribunal may be pleased to pass award in the present reference in terms of Clause 2(a) and (b) of this Settlement."

7. I have given due consideration to the above terms which are fair to both the parties and, hence, I accept them and pass the following order:

ORDER

Consent Award in the above terms is hereby made and the reference is disposed off. No order as to costs.

Dr. Renato De Noronha,
Presiding Officer,
Industrial Tribunal.

Order

No. 28/4/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 24th December, 1985.

IN THE LABOUR COURT GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/37/84

Shri Vasant Gopal Mapari.

— Applicant

V/s.

Shri Subhas Krishna Verenkar, Sarpanch.

— Opponent

Applicant represented by Shri Subhas Naik, Secretary of Goa Trade and Commercial Workers' Union.

Panaji, dated: 13-12-1985.

AWARD

This is an application filed by the above applicant against the above opponent, claiming from the latter all the amounts mentioned in the annexure to his application.

2. It is the case of the applicant, that he was working as a peon in the Gram Panchayat, Collem, and his services were terminated illegally by the Opponent.

3. The Opponent, in its written statement, has raised the preliminary objection to the effect that the applicant would not come under the category of "Workman" as per clause 2 (s) of the I. D. A., 1947, in short the Act.

4. This issue was decided against the Opponent by my order dated 11-9-1985, in which it was held that the applicant is a "Workman" within the meaning of Section 2 (s)

of the Act and the case was fixed for framing of issues on merits. Accordingly issue on merits was framed and the same reads as follows:

"Whether the applicant proves that he is entitled to the amounts claimed?"

On this issue, the applicant led his own evidence, wherein he has, stated that he was working as a Peon in the Village Panchayat, Collem, since 1st December, 1966 and, was removed from services on 2-11-1983. He was paid salary for the month of November 1983, but was not paid gratuity and other dues, which he has now claimed. His pay at the time of termination was Rs. 656-80. He has claimed his dues including retrenchment compensation, gratuity etc., totalling Rs. 1,41,868-80. The Opponent was absent on the date of this evidence and, hence, it was recorded ex-parte.

5. I have given due consideration to the written arguments filed by the applicant and arrived at the conclusion that since the applicant has admitted in his statement that he has been paid of his salary till the date of termination, the remaining amounts claimed by him on various counts would mostly depend on retrenchment of the applicant being declared illegal and not justified by the Court. For this purpose a reference from the Government to this Court would be required since such matters cannot be disposed off in an application under Section 33C(2).

6. Hence, I dismiss this application as this court has no jurisdiction to award the amounts claimed by the applicant under Section 33C(2) of the Act. Order accordingly. No order as to costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Order

No. 28/31/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th December, 1985.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/37/85

Workmen

— Party I

V/s.

M/s. Crestal Marketing Pvt. Ltd.

— Party II

Workmen represented by Shri Subhas Naik George, Secretary Goa Trade and Commercial Workers' Union.

Panaji. Dated: 12-12-1985

AWARD

The Government of Goa, Daman and Diu, by its Order No. 28/31/85-ILD dated July 19, 1985, has referred for the adjudication of this Tribunal of an industrial dispute between the above parties. The schedule annexed to the Order of reference reads as follows:

"Whether the action of the employer, M/s. Crestal Marketing Private Limited, Bicholim-Goa, in effecting 'LOCKOUT' with effect from 26-3-1985 is legal and justified.

If not, to what relief the workmen are entitled to?"

2. Notice was served on the workman Party I but notice issued to the Employer was returned unserved with the postal remark "Not claimed, return to sender". The workmen's rep.

moved an application for time to file his statement of claim, which was granted. On the next date, claim statement was filed by the workman's rep. but as notice sent to the employer was again returned, it was directed that it may be published in the Newspapers and fresh date was fixed. Accordingly, notice was published in one of the issues of the Navhind Times but inspite of this, the employer remained absent and so the case proceeded ex-parte. The Ld. Rep. for the workmen led the evidence of one of the workers and closed his case. Arguments were heard and now the matter is before me for decision.

3. The terms of reference have put the burden on the employer to prove that the lock out effected from 26-3-1985 is legal and justified. However, the employer did not lead any evidence and this by itself would be sufficient to declare the lockout as illegal and not justified. But the workmen has led the evidence to show that, all of a sudden, the company management who was manufacturing readymade garments for exporting to foreign countries and employing about 350 workmen, closed the factory and disappeared. It is stated by Shri Pandurang Parab, one of the workers who has given evidence, that the company closed the factory without giving any notice to the workers and removing also all the material. It is further stated that no salary was paid for the last month they have worked.

4. Since the lock out declared by the employer has to be considered as illegal and not justified, the workmen, who have been locked out, are to be considered as in service of the company and entitled to their wages from the date they have not been paid till their effective reinstatement. Order accordingly. Costs of Rs. 100/- to be paid by the employer company.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

Order

No. 28/52/82-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 17th December, 1985.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/17/83

Shri Augustinho Fernandes — Workman/Party I

V/s.

M/s. Chowgule Engineering Co. — Employer/Party II
Private Limited

Workman/Party I represented by Adv. A. Nigalye.

Employer/Party II represented by Adv. G. K. Sardessai.

Panaji. Dated: 11-12-1985.

AWARD

The Government of Goa, Daman and Diu, by its Order No. 28/52/82-ILD dated March 15th, 1983, has referred for the adjudication by this Tribunal of an industrial dispute between the above parties. The schedule annexed to the order of reference reads as follows:

"Whether the action of the employer, M/s. Chowgule Engineering Company Private Limited, Lotoulim, Salcette Goa, in dismissing the services of Shri Augustinho Fernandes, Turner w.e.f. 24-8-1978 is legal and justified?

If not, to what relief the said workman is entitled to?"

2. The workman party I, in his statement of claim, has stated that he was dismissed from services by the employer party II after an inquiry was held against him in connection with 2 misconducts, namely attempt of theft of company property and assault on Mr. J. D. Patil, Foreman, for which he was charge sheeted. He has challenged the fairness of the domestic inquiry as well as the findings of the Inquiry Officer as being in violation of the principles of natural justice and contrary to the facts on record.

3. As per the workman's narration, the facts of the case are, in short, as follows: He was absent from duty from 14-4-1978 and sent a leave application with one of his friends on the next day, as he was suffering from loose motions/dysentery. On the 15th, between 9.45 and 10.00 p.m. the workman came to the canteen of the workshop to have his dinner. After getting permission to enter the workshop premises, he asked the foreman whether he had received his sick note. Mr. Patil, after inquiring from the workman why he had remained absent on the previous day and after hearing the explanation of the workman that he was suffering from loose motions/dysentery, abused the workman and called him "Bochdecha". The workman replied to this insult in the same abusive language. Then Shri Patil assaulted him with fists and blows, as a consequence of which, the workman fell to the ground and Shri Patil was over him and pressing his testicles with his knees. He was released by some workers and then he ran away from the workshop for fear of his life. He has further stated that his termination of services is with ulterior motives and with malafide intentions with a view of weaken the strength of the Union.

4. The employer's case, as per the written statement filed, is, in short, that the inquiry held by the Inquiry Officer is fair and proper and with due compliance of the principles of natural justice and the findings also are supported by the evidence on record. The case of the employer is that the workman was caught red handed by the foreman Shri J. D. Patil while making a frying pan unauthorisedly when the workman was working in the second shift. This incident was reported to the higher authority by Mr. Patil and the workman was served with a show cause notice only on 17-4-1978, as he did not turn up for duty on the 14th and 15th. On the 15th, at about 22.15 hours, the workman entered the company premises unauthorisedly and straight away went to Mr. Patil and assaulted him saying that Mr. Patil had reported the matter to the Incharge. Some of the workers, who were there, intervened and separated both the contenders. The workman was suspended pending inquiry. The Inquiry Officer held the workman guilty of all the charges except Nos. 3 and 7, i.e. drunkenness and unauthorised entrance in the company premises. Then, a final show cause notice was sent to the workman and after considering the explanation given by him, which was found unsatisfactory, the workman was dismissed from services w.e.f. 24-8-1978.

5. Following issues were framed by the Tribunal/Court:

"Besides the issues involved in the Order of Reference, the following preliminary issues are hereby framed:

i) Whether the employer proves that the domestic inquiry held is fair, proper and with due compliance with the principles of natural justice?

ii) Whether the workman proves that the domestic inquiry held by the employer is in violation of the principles of natural justice and his termination of service is with ulterior motives and malafide and to weaken the strength of the Union?"

6. By my order dated 17-6-1985, the preliminary issue No. 1 concerning the fairness of the domestic inquiry held by the employer was decided in favour of the latter while issue No. 2 concerning the termination of services of the workman being malafide and with ulterior motives to weaken strength of the Union, which issue was to be proved by the workman, it was decided that the workman had failed to prove the said issue.

7. The case then proceeded to decide the main issues involved in the order of reference. Both the parties rep. filed their written arguments and now the case is before me for decision.

8. The two main incidents subject matter of the domestic inquiry held by the employer on the charge sheet dated 20-4-1978, are: attempt to commit theft and assault/intimidation of the superior officer of the company. In so far the first incident is concerned, it is alleged that the workman, on 10-4-1978, during night shift, was caught red handed by the Foreman Shri J. D. Patil whilst unauthorisedly making a

frying pan out of mild steel plate in the pattern shop. The workman has denied the knowledge of this incident in his statement before the Inquiry Officer (vide page 38 of the inquiry proceedings, answer to the third question) This was the only question which was put to him in connection with the incident of frying pan. The workman, in his letter dated 24-4-1978 addressed to the Director of the Chowgule Engineering Company Private Limited, Mormugao Harbour, has stated that he has already written two letters dated 17-4-1978 and 21-4-1978 to the Manager denying the frying pan incident and the happenings on 15-4-1978. The letter dated 17-4-1978 (Exh 'E') in the inquiry proceedings, refers to the assault incident on the 15th. But, the letter dated 21-4-1978 is not traced in the inquiry proceedings, Shri J. D. Patil was examined in the inquiry proceedings regarding this incident and there was no suggestion to him in cross examination that what he had stated regarding this incident was false, Shri J. D. Patil, in his statement has also stated that all other workers at that time had gone for tea and the workman was alone inside. The fact that Shri Patil did not perform a panchanama of the incident and called other workers to witness it cannot lead to the conclusion that the incident is false. It is to be noted that Mr. Patil being a layman might not know the true effect of the panchanama to prove the incident alleged by him. In the absence of any suggestion by the workman to Shri J. D. Patil that the facts stated by him regarding the frying pan incident were not correct and in view of the corroborating statement given by Shri M. Mallikar and Mr. Mugalikar in this connection, I am led to believe that the said incident should have taken place, as described by Mr. Patil.

9. Coming now to the other incident, i. e. of assault on 15-4-1978. None of the several witnesses examined by the employer during the domestic inquiry has deposed as to who started the said quarrel or assault. Almost all the witnesses have deposed that they saw the workman and Mr. J. D. Patil lying on the floor and Mr. Patil sitting over the workman and pressing his hands. It is in evidence also that the workman was similarly catching hold of the hands of Mr. Patil. The Inquiry Officer, in his report, has stated that "It is evident from the record that Mr. Augustinho was shouting furiously at Mr. J. D. Patil during the assault" and that "It is clear that Mr. J. D. Patil must have overpowered Mr. Augustinho whilst defending himself". This conclusion of the Inquiry Officer that Mr. J. D. Patil was defending himself cannot be accepted at all. Although Mr. Chari had stated that he saw the workman attacking Mr. J. D. Patil, in his cross examination, he clarified that after falling down he saw the workman attacking Mr. Patil. The fact that, admittedly, the workman was lying flat on the ground and Shri J. D. Patil was over him, both catching the hands of each other and the workman was shouting furiously, would lead to the conclusion that the workman was being beaten by Mr. Patil. This is further corroborated by the statement of Mr. S. P. Karekar wherein he has stated that Mr. Jaiwant Dessai told Mr. J. D. to stop quarrelling. The statement of Mr. P. L. Patil, who is the nephew of Mr. J. D. Patil, to the effect that it was the workman who was attacking Mr. J. D. Patil, being biased, cannot be accepted.

10. In view of the explanation given by the workman as to why he had gone to the workshop at that late hour of the night to see Mr. Patil, which explanation cannot be brushed aside as unacceptable, and the inference that the workman

had gone there to assault Mr. Patil cannot be drawn. It is to be noted that the workman was coming from his residence, which is about half an hour away from the workshop, to have his meals in the canteen and availed of this opportunity to contact Mr. Patil and find out about his leave application, has stated by him, which explanation is perfectly reasonable.

11. From the evidence produced in the inquiry proceedings, which I have carefully perused, I am convinced that there was infact a quarrel that night in which both the workman and Shri J. D. Patil were assaulting each other. It is not known who started the fight, but the statement of Mr. J. S. Dessai that the workman came running to the machine shop and Patilsaheb came running after him would to some extent show that it is Mr. Patil who chased him and assaulted him.

12. From the above, it is seen that the only incident which is to be considered for the purpose of punishment of the workman is the frying pan incident, since in the other one it is not proved who had given cause to it.

13. We have to consider now whether the frying pan incident, which otherwise is of a minor nature, would justify the dismissal of the workman.

Considering that no bad past record has been proved against the workman, the punishment of dismissal imposed on him is too harsh, according to me and, hence, making use of the power given to me by Section 11A of the Act, I change the said punishment to suspension for one week, as provided by Section 44 of the Standing Orders of the Company. The remaining period till the effective reinstatement of the workman to be treated as on duty and paid full back wages. Order accordingly.

In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

Law Department

Establishment Branch

District and Sessions Court

Order

No. DSC/JO/L/159/21/85

Leave for 12 days w.e.f. 16-12-85 to 27-12-85 granted to Shri R. K. Batta Addl. Sessions & Civil Judge Sr. Div. Mapusa, vide this office Order No. DSC/JO/L/159/85/4112 dt. 6-12-85 be treated as Earned Leave.

Certified that after availing the above leave he will have balance of 16 days Earned Leave at his credit.

Alvaro do Noronha Ferreira, District & Sessions Judge.

Panaji, 30th December, 1985.